IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 5TH JANUARY 2007 / 15TH AGRAHAYANA,1928

Bail Appl..No. 7037 of 2006()

CMP.11732/2006 of J.F.C.M.-I,KOTTARAKKARA
CR 189/06 of Kottarakara Excise Range

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PETITIONER/ACCUSED

SATHEESAN,
S/O.CHANDRAN, SATHEESH BHAVANAM VEEDU,
EDAKIDOM, KAREEPRA,
KOTTARAKKARA, KOLLAM.

BY ADV. SRI.R.ARUN RAJ

RESPONDENT:

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No.7037 of 2006

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Dated this the 5th day of January, 2007.

ORDER

Petitioner, who is the accused in CR No.189 of 2006 of Kottarakara Excise Range for offences punishable under Section 8(1) and (2) of Abkari Act for allegedly having been found in possession of 23 litres of illicit arrack on 12.10.2006 and who was arrested on 6.11.2006, seeks his enlargement on bail.

2. Even though the learned Public Prosecutor opposed the application submitting inter alia that the petitioner is an accused in two other crimes of similar nature, he fairly conceded that no final report has been filed in this case even after 60 days judicial custody of the petitioner. If so, by virtue of the proviso to Section 167(2) Cr.P.C., the petitioner is entitled to bail as of right.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-I, Kottarakara and subject to the following conditions:-

1. Petitioner shall report before the Investigating Officer between 9 a.m. and11 a.m. on all Wednesdays.

2. Petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. Petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

4. Petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.Ramkumar,
Judge.

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